

REMARKS

Presently, claims 1-29 are pending, and there is no amendment.

Claims 1-29 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting for reasons more fully set forth in the Office Action. In response, Applicant will address the provisional rejection after a nonprovisional rejection is made.

Claims 12-14 have been rejected pursuant to 35 U.S.C. Sec. 102(e). The Examiner contends that claims 12-14 are anticipated by U.S. Patent No. 5,828,843 (Grimm).

Claims 1-11, 14-29 have been rejected pursuant to 35 U.S.C. Sec. 103(a). The Examiner contends that claims 1-11, 14-29 are obvious over Grimm in view of U.S. Patent No. 5,457,797 (Butterworth)

In response, the rejections are respectfully traversed on two grounds. First, the rejection is traversed because at least one claim element has not been shown in the cited art. Applicant's claims all require a dedicated processor, and Applicant's specification distinguishes a dedicated processor from a conventional processor. The Office Action points to Grimm, Col. 2, lines 41-52 "match maker" but there is no mention of a dedicated processor there or anywhere else in Grimm and nothing seems to distinguish the Grimm match maker from a conventional processor. Indeed, neither Grimm nor Butterworth appear to mention anything about the dedicated. Second, the rejection is traversed because, from the Office Action, it is not clear what the Examiner is referring to in the cited art as a teaching of the dedicated claim element. Thus, the rejection is improper, and further information is required, at least so as to enable Applicant to fairly respond to the rejection.

Applicant requests further information pursuant to 35 U.S.C. Sec. 132, and pursuant to Rule 104, particularly 104(a)(2), which requires, at least in part, is

reproduced in part below:

...The reasons for any adverse action or any objection or requirement will be stated in an Office action and *such information or references will be given as may be useful in aiding the applicant... to judge the propriety of continuing the prosecution*

(italics added) and 104(c)(2) which requires, at least in part, as reproduced in part below:

...When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. *The pertinence of each reference, if not apparent, must be clearly explained* and each rejected claim specified.

(italics added).

Applicant respectfully requests information as to what in particular discloses the dedicated claim requirement and information as to why the Examiner believes that the Grimm Match Maker is dedicated.

In sum, Applicant does not understand the basis of the Office Action sufficiently to respond at least because there is no mention of dedicated in the cited art, and the further information to which Applicant is entitled, is hereby requested. Because the lack of information undermines Applicant's opportunity to respond to other contentions of the Office Action, Applicant also requests an opportunity to respond to any rejection based on the requested information, prior to the close of prosecution.

In sum, it is respectfully submitted that the claims have not been shown to be prima facie unpatentable over the cited art, and the application is believed to be in condition for allowance. Favorable action is respectfully requested. The Examiner is invited to contact the undersigned at the telephone number set out below if it can in any way expedite or facilitate issuance of a patent on the application.

APPLICANT CLAIMS LARGE ENTITY STATUS. The Commissioner is hereby authorized to charge any fees associated with the above-identified patent application, or credit any overcharges to Deposit Account No. 50-0235, and if any extension of time is needed to reply to said Office Action, this shall be deemed a petition therefore.

Please direct all communication to the undersigned at the address given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'PK Trzyna', followed by a horizontal line.

Date: September 2, 2008

Peter K. Trzyna
(Reg. No. 32,601)
(Customer No. 28710)

P.O. Box 7131
Chicago, IL 60680-7131
(312) 240-0824